

## **REMARKS**

Reconsideration of the application is requested in view of the amendments to the specification and the claims and the remarks presented herein.

The claims in the application are Claims 1 to 25 and 31. Non-elected Claims 26 to 30 and 32 have been cancelled but Applicants reserve the right to file a divisional application directed thereto.

Appropriate headings have been added to the specification and it is believed that the trademarks have been used appropriately. While Applicants do not agree with the Examiner's obviousness double patenting rejection, Applicants are submitting herewith a terminal disclaimer with respect to U.S. Patent application Serial No. 09/194,996 filed December 4, 1998.

With respect to the 35 U.S.C. 112, second paragraph rejections, the trademarks have been removed from the claims and "such as" phrases have been deleted. The "strong" and "medium" have been removed. Therefore, the claims are believed to be proper and withdrawal of this ground of rejection is requested.

Claims 1 to 15 and 31 were rejected under 35 U.S.C. 103 as being obvious over the '771 patent taken in view of the '654 patent. Claims 1 to 19 and 31 were rejected as being obvious from the '654 patent taken in view of the '931 patent taken in further view of the '771 patent. Claims 1 to 19 and 31 were rejected over the '394 patent taken in view of the '771 patent. Claims 1 to 19 and 31 were rejected over the '230 patent taken in view of the '771 patent.

Claims 20 to 25 were rejected over all of '931, '394 or '230 taken in view of '771 and in further view of '772.

Applicants traverse these grounds of rejection since the prior art cited by the Examiner does not teach Applicants' invention. The '771 patent teaches that Trimegestone may be topically applied but only in a very general manner and does not mention or suggest administration in the form of a patch.

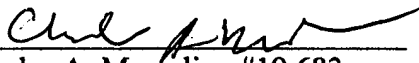
US '654 teaches transdermic devices containing a very broad list of active ingredients (col. 9, lines 18-68) in "a" matrix but not necessarily in a silicone matrix. Among the very long list of active ingredients, progesterone is cited. Among the long list of components of the matrix, silicone is cited but it's not the only one (polyamides, polysulfones, halogenated polymers, ... acrylic resins are also mentioned in a long list / see col. 5-6). Thus, from the two references, it cannot be considered that it's obvious to prepare the compositions of the present invention including Promegestone and silicone matrix. Moreover, none of these references shows or suggests that Trimegestone is equivalent to progesterone.

Similarly, the other references are describing transdermic devices containing progesterone and possibly an estradiol derivative in a matrix. None of these references suggests a device similar to the present one.

Therefore, the prior art cited does not render obvious Applicants' invention and withdrawal of these rejections is requested.

In view of the amendment to the claims and the above remarks, it is believed that the claims point out Applicants' invention and favorable reconsideration of the invention is requested.

Respectfully submitted,  
Hedman and Costigan

  
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Charles A. Muserlian #19,683  
Attorney for Applicants  
Tel. 212 302 8989

CAM:mlp  
Enclosures